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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,490	08/22/2003	Paul A. Reynolds	DWE/REYNOLDS	8740
32834	7590	12/26/2006		
D.W. EGGINS 18 DOWNSVIEW DRIVE BARRIE, ON L4M 4P8 CANADA			EXAMINER BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3781	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/26/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/645,490	<b>Applicant(s)</b> REYNOLDS, PAUL A.	
	<b>Examiner</b> Shawn M. Braden	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "said three segments" in line 7. There is insufficient antecedence for this limitation in the claim. Examiner recommends "said at least three segments".
3. Claim 13 recites the limitation "said tabs" in line 6. There is insufficient antecedence for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5,8,9,11-13,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellert (4,234,080) in view of Goof (5,156,289).

With respect to claims 1,13,16 Gellert discloses the invention substantially as claimed. Gellert discloses at least three substantially identical segments (16), a peripheral wall (14), side wall portions (44), each segment having a projecting heel portion (the angled corners are considered the heel portion) to individually stabilize said segment in an upright standing position and enabling said container to stand in a

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display condition having each said segment connected to an adjoining segment and standing in an upwards-open display condition (fig.1). However Gellert does not disclose each segment including means for separably connecting each segment in hinged relation, Gellert also lacks the two pairs of tabs.

Goof teaches each segment including means for separably connecting each segment in hinged relation in the same field of endeavor for the purpose of more versatility.

Goof further shows a pair of tab portions (28,30) includes a male (28) and a female hinge (32) portion. Goof discloses the claimed invention except Goof has male and female portions on each side. It would have been an obvious matter of design choice to have both male on one side and female on the other side, since applicant has not disclosed that different orientation solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with male and female tab portions on each side.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the hinge of Goof instead of the living hinge of Gellert in order to manufacture in a smaller mold thus saving money.

6. With respect to claim 2, in the combination above, Goof further shows a segment side wall (16) portions each includes a pair of tab portions (28,30) located outside of segment peripheral wall portions, said tab portions (28,30) including elements of said means for separably connecting said segment (fig. 4) being male and female tabs.

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7. With respect to claim 3, in the combination above, Goof further shows a pair of tab portions (28,30) includes a male (28) and a female hinge (32) portion. Goof discloses the claimed invention except Goof has male and female portions on each side. It would have been an obvious matter of design choice to have both male on one side and female on the other side, since applicant has not disclosed that different orientation solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with male and female tab portions on each side.

8. With respect to claim 4, in the combination above, Gellert further shows a container peripheral wall (14) is substantially continuous when said container is in a closed condition (fig.2).

9. With respect to claim 5, in the combination above, Gellert further shows a container end walls (44) are substantially continuous when said container is in a closed condition (fig. 2).

10. With respect to claim 8, in the combination above, Gellert further shows the peripheral wall is substantially cylindrical (fig. 2).

With respect to claim 9, in the combination above, Gellert further shows said segment heel portion (the corner of element (16)) comprises a projecting edge portion to form said stabilizing heel for the container when standing in an uptight position (fig. 2).

11. With respect to claim 11, in the combination above, Goof further shows wherein the hinge means consist of female (32) and male (30) detent portions in mutually separable, mutually pivotal, attached relation (fig. 2).

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12. With respect to claim 12, in the combination above, Goof further shows the male (30) and female (32) detent portions are in predetermined mutually spaced apart relation such that when adjacent segments are in assemble relation to form a closed container (fig.1), Goof shows to the same extent as applicant gaps of predetermined size are created between adjacent surface portions of the container peripheral wall and (20) between adjacent surface portions of the container end walls, to ventilate the container.

13. Claims 6,7,14,15,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gellert (4,234,080) in view of Goof (5,156,289).

Gellert discloses the invention substantially as claimed. However Gellert does not disclose separation means or grooves.

Goof teaches "The utility as combined storage casing and exposure tray can be further increased by associating to each lamellar part a partition insert for removable fitting to the inside of the lamellar part. Thereby objects or utensils can be stored separately in the closed condition of the casing, and can be exposed in a well-arranged and easy accessible manner in the unfolded condition of the casing" (col. Ln. 52)

Goof partitions are disclosed to be on the peripheral wall (12) and has the structure and recitation of applicants peripherally extending separation means, or grooves, on the inner surface thereof, in use for separating elements of predetermined size when inserted into the segment. The above by Goof also inherently discloses the

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structure and recitation of separation means are corrugations having spaces of predetermined width therebetween. Goof also shows partitions (40) which has the structure and recitation of corrugations, in the same field of endeavor for the purpose of separating contents.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the separation means as taught by Goof to the container of Gellert in order to keep contents from shifting around.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gellert (4,234,080) in view of Goof (5,156,289).

Gellert discloses the invention substantially as claimed. However Gellert does not disclose segment side portions include raised edge portions forming abutments with adjoining parts of said segment side portions to serve as stabilizing contact surfaces with said adjoined container segments.

Goof teaches the segment side portions (16) include raised edge portions (50,52) or (54,56) forming abutments with adjoining parts of the segment side portions to serve as stabilizing contact surfaces with adjoined said container segments (col. 4 ln. 3), in the same field of endeavor for the purpose of more versatility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to add raised edge portions as taught by Goof to the container of Gellert in order to add strength to the container.

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***Response to Arguments***

15. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Friday 9-6:30 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*SMB*

smb

  
ANTHONY D. STASHICK  
PRIMARY EXAMINER